



Term Limits

BY JAMES CARROLL and DAVID MOSS

State officials and citizens continue to debate term limits for elected state offices and a sharp division exists between those favoring term limits and those who oppose them. Legislation to alter term limit laws is the newest wave to hit state capitals.

Possibly the most well known term limited position in United States government is the office of the President. According to the 22nd Amendment to the U.S. Constitution, no president may serve more than two four-year terms. Similarly, 38 states currently have gubernatorial term limits in place. Of these states, 31 allow a governor to serve two consecutive four-year terms, while two other states limit a person to eight years of service in any 16-year period. Five states allow two consecutive four-year terms, after which a person must take a four-year respite to be eligible again.

Despite the popularity of term limits for the highest executive branch offices, opposition has developed to term limits for legislative offices. Citizens and lawmakers continue to debate the benefits of state laws regarding term limits for congressional seats, state legislative office and local offices. Seventeen states have enacted state legislative term limits, while no term limits exist for members of Congress. Consistency exists among states regarding gubernatorial term limits, but the models for state legislative term limits vary greatly. Limits for lower chamber members range from six years (in three states) to 12 years (in four states). The remaining nine states limit House or Assembly members to eight years of service. Fewer differences exist regarding term limits in the upper chambers of the state legislatures. Twelve states allow Senate members to serve eight years, while the remaining four states allow for 12 years of service. One state, Oklahoma, allows for a total of 12 years of service in the House and the Senate combined.

Twenty-one states successfully passed federal congressional term limits, including 16 of the 17 states now with state legislative term limits. The United States Supreme Court, however, struck down the congressional laws in a 5-

4 decision in the 1995 case of *U.S. Term Limits vs. Thornton*. The Court held that such limitations could not be allowed without a constitutional amendment granting states the power to set qualifications for members of Congress.

Opponents of term limits often argue that denying citizens the opportunity to vote for a candidate infringes on our democratic system. At least four states (Arizona,

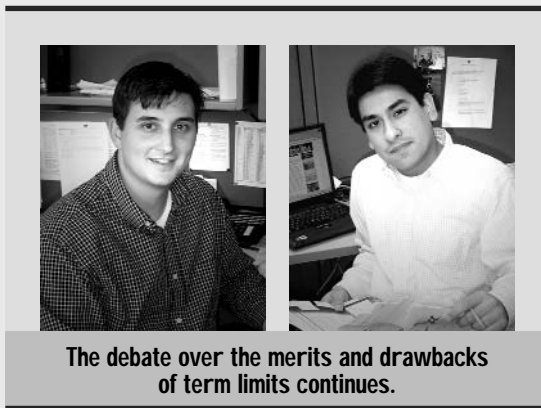
Idaho, Missouri and Wyoming) considered legislation that would amend their states' constitutions to repeal legislative term limits. Of these four states, Idaho is the only one to successfully repeal a term limit law. Lawmakers who oppose term limits often cite a decline in institutional knowledge among newly elected officials and increased power to the unelected bureaucracy as negative effects of term limits.

Even though many state officials

embrace term limits, several states considered measures to alter their term limit laws. Legislation in five states to change either the length or number of terms failed to pass during this year's sessions. In addition, California voters rejected a ballot initiative in March to allow voters to petition the Secretary of State to allow a state legislator to serve one additional term. Some officials recognize value in term limits, but still consider them a work in progress.

Other state lawmakers are content with the function of democracy under term limit laws. Many officials contend that the benefits of term limits can outweigh the costs mentioned above. According to these lawmakers, term limits bring new opportunities and new individuals into the democratic process.

Because widespread consensus regarding term limits eludes many states, lawmakers continue to introduce bills on both sides of the debate.



The debate over the merits and drawbacks of term limits continues.

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